



## Senate

General Assembly

**File No. 577**

February Session, 2018

Senate Bill No. 486

*Senate, April 18, 2018*

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING NOTIFICATION TO BOARDS OF EDUCATION  
OF THE RELEASE OF A JUVENILE SEXUAL OFFENDER AND A  
MODEL POLICY CONCERNING THE REENTRY OF SUCH JUVENILES  
INTO THE SCHOOL SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2018*) Notwithstanding the  
2       provisions of sections 46b-124 of the general statutes concerning the  
3       confidentiality of records of juvenile matters and 46b-146 of the general  
4       statutes concerning the erasure of police and court records, the Court  
5       Support Services Division of the Judicial Department, in the case of a  
6       child, as defined in section 46b-120 of the general statutes, who is  
7       convicted as delinquent, as described in section 46b-120 of the general  
8       statutes, on or after October 1, 2018, for a violation of section 53a-70 of  
9       the general statutes, 53a-70a of the general statutes, 53a-70c of the  
10      general statutes, 53a-71 of the general statutes, 53a-72a of the general  
11      statutes or 53a-72b of the general statutes, or for committing a felony  
12      offense that the court finds was committed for a sexual purpose, as  
13      described in section 54-250 of the general statutes, shall, upon release  
14      of any such child from the custody of the Judicial Department or the

15 Department of Children and Families, as applicable, notify the  
 16 superintendent for the local or regional school district for the town in  
 17 which such child will reside, that such child has been convicted  
 18 delinquent of any such offense, provided said division has notified any  
 19 victim of such offense and such victim does not object to the provision  
 20 of such information to the superintendent.

21 Sec. 2. (*Effective from passage*) (a) Not later than January 1, 2019, the  
 22 Commissioner of Education, in consultation with the Court Support  
 23 Services Division of the Judicial Department, shall develop a model  
 24 policy concerning children in or reentering a local or regional school  
 25 district who have been convicted as delinquent, as described in section  
 26 46b-120 of the general statutes, for a violation of section 53a-70 of the  
 27 general statutes, 53a-70a of the general statutes, 53a-70c of the general  
 28 statutes, 53a-71 of the general statutes, 53a-72a of the general statutes  
 29 or 53a-72b of the general statutes, or for committing a felony offense  
 30 that the court finds was committed for a sexual purpose, as described  
 31 in section 54-250 of the general statutes.

32 (b) Such model policy shall include recommendations (1)  
 33 concerning any such child convicted as delinquent for the offenses  
 34 enumerated in subsection (a) of this section that may best assist such  
 35 child in his or her educational setting, and (2) to ensure the safety and  
 36 well-being of any known victim who attends a school in the same  
 37 school district as the child convicted as delinquent. Such model policy  
 38 shall dictate with whom the superintendent for the local or regional  
 39 school district may share any information provided to the  
 40 superintendent pursuant to section 1 of this act, and how such  
 41 information shall otherwise be confidential.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>from passage</i>	New section

**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill requires notification by the Judicial Department to the school district when a child who was convicted as a delinquent for certain sexual offenses is released and does not result in a fiscal impact.

Section 2 of the bill does not result in a fiscal impact as the Court Support Services Division of the Judicial Department has the staff and expertise necessary to consult with the State Department of Education on developing model policies for children reentering school as a result of various convictions.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 486*****AN ACT CONCERNING NOTIFICATION TO BOARDS OF EDUCATION OF THE RELEASE OF A JUVENILE SEXUAL OFFENDER AND A MODEL POLICY CONCERNING THE REENTRY OF SUCH JUVENILES INTO THE SCHOOL SYSTEM.*****SUMMARY**

This bill generally requires the Judicial Branch's Court Support Services Division (CSSD), when a child who was convicted as a delinquent for certain sex offenses is released from Judicial Branch or Department of Children and Families custody back to the community, to notify the superintendent of the school district where the child will reside of the child's delinquency conviction (see BACKGROUND). But CSSD must first notify any victims of the offense and it may not provide the information to the superintendent if a victim objects.

CSSD must provide this notice about children convicted, on or after October 1, 2018, of one or more of the following offenses: 1<sup>st</sup> degree sexual assault, aggravated 1<sup>st</sup> degree sexual assault, aggravated sexual assault of a minor, 2<sup>nd</sup> degree sexual assault, 3<sup>rd</sup> degree sexual assault with or without a firearm, or any other felony the court finds was committed for a sexual purpose (see BACKGROUND).

Under the bill, by January 1, 2019, the education commissioner, in consultation with CSSD, must develop a model policy concerning children in or reentering a local or regional school district who have been adjudicated delinquent for any of the crimes listed above.

EFFECTIVE DATE: October 1, 2018, except the model policy provisions are effective upon passage

**MODEL POLICY**

Under the bill, the model policy must include recommendations:

1. concerning any such child convicted as delinquent for the above

offenses that may best assist the child in his or her educational setting; and

2. to ensure the safety and well-being of any known victim who attends a school in the same school district as the child convicted as delinquent.

The model policy must dictate with whom the superintendent may share the information he or she receives from CSSD and how the information must otherwise be confidential.

## **BACKGROUND**

### ***“Sexual Purpose”***

By law, an individual commits a felony for a sexual purpose if his or her purpose was to engage in nonconsensual sexual contact or intercourse with another person. A sexual purpose does not have to be the only reason the felony was committed and the purpose may arise at any time during the commission of the crime (CGS § 54-250).

### ***Child***

By law, a child is generally anyone under age 18 who is not legally emancipated, but for delinquency matters and proceedings, the definition includes a person who:

1. was at least age seven when he or she committed the alleged delinquent act and is (a) under age 18 and not legally emancipated or (b) 18 or older but committed the act when under age 18 or
2. is over 18 and (a) violates a court order or probation condition related to a delinquency proceeding or (b) willfully fails to appear in response to a summons or at any other delinquency proceeding in which he or she received notice (CGS § 46b-120).

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    25        Nay    16        (04/04/2018)